

JUSTIN KIRK TABAYOYON, S.B.N. 288957  
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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

In the matter of:

LEONOR ESTELLA LUNA and JOSH LUNA,

Plaintiffs,  
v.

TERENCE BROWNRIDGE, RUSSELL  
TAYLOR, and JOSHUA SMITH in their  
individual capacities and in their official  
capacities as police officers for CITY OF  
FAIRFIELD; and DOES 3-50, inclusive,  
individually and in their official capacities  
as peace officers for CITY OF FAIRFIELD,  
jointly and severally.

Defendants.

**Case No.: 22-cv-01833 SCR**

**STIPULATION TO AMEND  
PARAGRAPH 5 OF THE SECOND  
AMENDED COMPLAINT**

All parties, by and through their counsel of record, submit this stipulation wherein they stipulate to amend paragraph 5 of the Second Amended Complaint (ECF 43) to clarify that the City of Fairfield is not a defendant in the action.

1 WHEREAS on September 24, 2024, the Second Amended Complaint was filed by  
2 stipulation (ECF 43);

3 WHEREAS on September 25, 2024, a summons was issued to the City of Fairfield (ECF  
4 44);

5 WHEREAS the parties have met and conferred about the summons being issued and  
6 noticed that Paragraph 5 from both the original complaint filed on October 15, 2022, (ECF 1)  
7 and the Second Amendment Complaint filed on September 24, 2024, (ECF 43) incorrectly refer  
8 to the City of Fairfield as a defendant;

9 WHEREAS the parties did not intend the City of Fairfield to be included as a named  
10 defendant in Second Amended Complaint (ECF 43);

11 The parties agree Paragraph 5 of the Second Amended Complaint (ECF 43) should be  
12 amended as follows:  
13

14 "CITY OF FAIRFIELD ("CITY"), California, is a public entity established by the law and  
15 Constitution of the State of California, and owns, operates, manages, directs, and controls the  
16 CITY OF FAIRFIELD Police Department ("FFPD") which employs the defendants in this action.  
17 CITY is not a named defendant in this action."

18  
19 STIPULATED:

20 DATED: 10/04/2024

/s/ Justin Kirk Tabayoyon  
Attorney for Plaintiffs

21  
22  
23  
24 DATED: 10/04/2024

/s/John J. Swafford  
John J. Swafford  
Attorney for Defendants

**ORDER**

For good cause shown, paragraph 5 of the Second Amended Complaint (ECF 43) is hereby amended as follows:

“CITY OF FAIRFIELD (“CITY”), California, is a public entity established by the law and Constitution of the State of California, and owns, operates, manages, directs, and controls the CITY OF FAIRFIELD Police Department (“FFPD”) which employs the defendants in this action. CITY is not a named defendant in this action.”

DATED: October 4, 2024



SEAN C. RIORDAN  
UNITED STATES MAGISTRATE JUDGE